

TPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Gary Wayne Hamilton)
and Charles Hamilton)

Filed: September 16, 2003)

Examiner: Lee, J.
Group Art Unit: 3673

Serial No: 10/664,604)

For: ROCK AUGER AND METHOD OF USE)

Atty. Docket No.: AB190/99001)

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-150

**CERTIFICATE OF MAILING
UNDER 37 CFR 1.8**

THE UNDERSIGNED CERTIFIES THAT THIS DOCUMENT IS BEING PLACED IN AN ENVELOPE
ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA. 22313-1450, AND
DEPOSITED AS FIRST CLASS MAIL, POSTAGE PREPAID, THIS 23 DAY OF November 2005.

Katie Holton

(Type or Printed Name)

KH

(Signature)

TERMINAL DISCLAIMER OF ASSIGNEE

Dear Sir:

GATOR ROCK BIT, INC., a corporation organized under the laws of Kentucky,
whose address is 5890 New Haven Road, Bardstown, Kentucky 40004, is the assignee and exclusive
owner of the entire right, title, and interest of, in, and to the instant patent application Serial No.
10/6654,604 filed on September 16, 2003 and the invention disclosed therein as indicated by the
Assignment recorded at Reel/Frame 015274/0603, and recorded on April 28, 2004 and U.S. Patent
6,619,413 which issued on September 16, 2003 from application Serial No. 10/032,216 filed on

December 20, 2001 and assigned to and owned by GATOR ROCK BIT, INC. and recorded at Reel/Frame 015274/0607 on April 28, 2004.

GATOR ROCK BIT, INC. hereby disclaims except as provided below, the terminal part of the statutory term defined in 35 USC 154 to 156 and 173, as presently shortened by any terminal disclaimer of prior U.S. Patent No. 6,619,413 which would extend beyond the expiration date of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

For submission on behalf of a corporation, the undersigned is empowered to act on behalf of the organization.

Enclosed is a check which includes the disclaimer fee under 37 CFR 1.20(d).

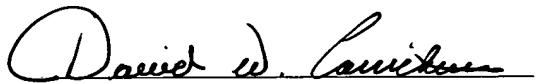
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements

were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is the attorney of record.

Respectfully submitted,

Date: 11/21/05



David W. Carrithers
CARRITHERS LAW OFFICE, PLLC
One Paragon Centre
6060 Dutchman's Lane, Suite 140
Louisville, KY 40205
Telephone (502) 452-1233
Reg. No. 35475